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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ELBERT R. BROWN TRUST;

VIOLA BROWN TRUST;

DO STAY INC.;

ELBERT BROWN, in his capacities as CREATOR

Adv. Pro. No. 10-05398 (SMB)

and TRUSTEE of the ELBERT R. BROWN TRUST, and INDIVIDUALLY as BENEFICIARY of the ELBERT R. BROWN TRUST; and

VIOLA BROWN, in her capacities as CREATOR and TRUSTEE of the VIOLA BROWN TRUST, and INDIVIDUALLY as BENEFICIARY of the VIOLA BROWN TRUST,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 9, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on July 30, 2015, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 40], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Mediation Referral, the Parties hereby mutually select from the Mediation Register the Melanie L. Cyganowski, from the law firm of Otterbourg, Steindler, Houston & Rosen, P.C., to act as Mediator in this matter. The Parties further confirm that they contacted Melanie L. Cyganowski prior to filing this Notice of Mediator Selection with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: November 16, 2015

BAKER & HOSTETLER LLP

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